

Ex. 23

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

JARI McPHERSON, JERALD §
SAMS, and DANIEL §
MARTINEZ, §

Plaintiffs, §

v. §

CASE NUMBER
1:20-cv-01223-RP

TEXAS DEPARTMENT OF §
PUBLIC SAFETY, and §
Director Steven C. §
McCraw, in his §
official capacity, §

Defendants. §

ORAL DEPOSITION
(VIA ZOOM VIDEOCONFERENCING)
OF
FACT WITNESS
RONALD CLAYTON JOY, JR.

TUESDAY, DECEMBER 6, 2022

- - -

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1 A. No. The answer was "no," because
 2 neither one of us were involved in the Board.
 3 Q. Oh, I see. Okay.
 4 Did you ever state that there were
 5 too many African Americans on the Mounted Unit?
 6 A. No.
 7 Q. And I asked you a question similar to
 8 this, but it wasn't quite the same.
 9 Have you ever in your DPS career as a
 10 supervisor escorted anyone under investigation to
 11 do their daily duties?
 12 MR. HARRIS: Object
 13 to the form of the question.
 14 You may answer.
 15 A. When you say "escorted them to do
 16 their daily duties," that's a pretty broad
 17 category covering 30 years, so I'm going to have
 18 to say "yes."
 19 Every time a Sergeant rides with his
 20 Troopers, he's escorting them to do their duties,
 21 so...
 22 BY MR. MUNGO:
 23 Q. No, no, no, no. That's while they're
 24 being investigated.
 25 A. Yes, I check in with Troopers while

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1 they're being investigated, yes.
 2 Q. Because of the investigation?
 3 A. Yes, yes.
 4 Q. And how many times did that occur?
 5 A. I have no idea.
 6 Q. You have no idea?
 7 A. No.
 8 Q. Can you name one other than Mr. Sams?
 9 MR. HARRIS: Object
 10 to the form of the question.
 11 BY MR. MUNGO:
 12 Q. Give me some names.
 13 A. I don't -- I don't know what you're
 14 talking about other than Mr. Sams, because I
 15 didn't supervise Mr. Sams under investigation to
 16 escort him.
 17 But the -- as a Sergeant, when I was
 18 a Sergeant in El Paso and Odessa, there were
 19 several times I had Troopers who were under
 20 investigation, and I rode with them while they
 21 were under investigation, if that's what you're
 22 calling "escort." But I don't know what -- how
 23 you define "escort."
 24 Q. Okay. So do you have a name? One
 25 name?

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1 A. Of all the Troopers I rode with that
 2 were under investigation? No.
 3 Q. You don't remember one name?
 4 A. Daniel Sarabia, José Delrio, --
 5 Q. Hold on; hold on.
 6 Daniel who?
 7 A. Daniel Sarabia.
 8 Q. How do you spell that?
 9 A. S-A-R-A-B-I-A.
 10 Q. Okay. And who else?
 11 A. José Delrio.
 12 Q. José Del --
 13 A. Delrio.
 14 Q. Okay. Anyone else?
 15 A. There's several others, but I don't
 16 remember all the names.
 17 Q. Can you give me the name of one White
 18 Trooper that you did this with.
 19 A. John Henley.
 20 Q. "Don" Henley?
 21 A. "John" Henley.
 22 Q. John Henley.
 23 A. Jimmy Nail.
 24 Q. Jimmy Nail. N-A-I-L?
 25 A. Yes, sir.

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1 Q. Okay. And what years were these?
 2 A. Oh, goodness. Jimmy Nail was
 3 sometime between '95 and '97. John Henley would
 4 have been between '97 and 2000. Daniel Sarabia
 5 and José Delrio would have been between '97 and
 6 2000.
 7 Q. Okay. Did you direct Captain
 8 Richards to escort Trooper Sams to the barn?
 9 A. No, I don't think so.
 10 Q. Have you ever used the N-word before?
 11 A. In my pre-DPS life, I'm sure I have.
 12 MR. HARRIS: Object
 13 to the form of the question.
 14 BY MR. MUNGO:
 15 Q. In your pre-DPS life?
 16 A. As a child when I was immature, I'm
 17 sure I have.
 18 Q. When you were immature?
 19 A. As a child.
 20 Q. Only as a child you used it?
 21 A. Yes.
 22 Q. You never used it while working for
 23 Texas Department of Public Safety?
 24 A. No.
 25 Q. And did you ever use the word

<p>183</p> <p>1 N-I-G-G-A --</p> <p>2 A. No.</p> <p>3 Q. -- while with the Department?</p> <p>4 A. No.</p> <p>5 Q. What about N-I-G-G-E-R?</p> <p>6 A. No. You just asked me that. No.</p> <p>7 Q. Okay. So you absolutely have</p> <p>8 never -- since how old were you as a child the</p> <p>9 last time you used it?</p> <p>10 MR. HARRIS: Object</p> <p>11 to the form of the question.</p> <p>12 A. I don't know.</p> <p>13 BY MR. MUNGO:</p> <p>14 Q. You don't know how old you were?</p> <p>15 A. No.</p> <p>16 Q. Okay. But you can remember using the</p> <p>17 N-word?</p> <p>18 MR. HARRIS: Object</p> <p>19 to the form of the question.</p> <p>20 A. I'm sure as a child, I probably did</p> <p>21 at least once.</p> <p>22 BY MR. MUNGO:</p> <p>23 Q. At least once.</p> <p>24 Okay. But you don't remember how old</p> <p>25 you were?</p>	<p>185</p> <p>1 MR. HARRIS: Object</p> <p>2 to the form of the question.</p> <p>3 BY MR. MUNGO:</p> <p>4 Q. How about "monkey"?</p> <p>5 A. What?</p> <p>6 Q. Monkey.</p> <p>7 A. No.</p> <p>8 Q. When referencing Black people.</p> <p>9 A. No.</p> <p>10 Q. Have you ever expressed your attitude</p> <p>11 that Black people are less equipped mentally than</p> <p>12 White people?</p> <p>13 A. No.</p> <p>14 Q. If you had conversations with some</p> <p>15 Troopers who recall such, would you deny that?</p> <p>16 A. Yes.</p> <p>17 Q. Do you feel that Trooper Sams is a</p> <p>18 large part of the success of the Mounted Patrol?</p> <p>19 A. Yes.</p> <p>20 Q. How do you feel about the diversity</p> <p>21 makeup with regards to the Promotional Board</p> <p>22 process?</p> <p>23 MR. HARRIS: Object</p> <p>24 to the form of the question.</p> <p>25 A. I think the Board should be diverse</p>
<p>184</p> <p>1 A. No.</p> <p>2 Q. Okay. So you don't know whether you</p> <p>3 were a child, then, if you don't know how old you</p> <p>4 were, right?</p> <p>5 MR. HARRIS: Object</p> <p>6 to the form of the question.</p> <p>7 A. I don't know.</p> <p>8 BY MR. MUNGO:</p> <p>9 Q. And you've had White Troopers use the</p> <p>10 N-word around you? You've heard them use that</p> <p>11 before, haven't you?</p> <p>12 A. No.</p> <p>13 Q. You've never heard a White Trooper</p> <p>14 use the N-word at all, ever since working for the</p> <p>15 Texas --</p> <p>16 A. No.</p> <p>17 Q. Let me finish my question.</p> <p>18 Since working -- coming to your</p> <p>19 employment with the Texas Department of Public</p> <p>20 Safety, you've never, ever heard a White Trooper</p> <p>21 use the N-word?</p> <p>22 A. No.</p> <p>23 Q. Have you ever used the word "boy"</p> <p>24 when referencing African Americans?</p> <p>25 A. No.</p>	<p>186</p> <p>1 and reflect a pool of applicants.</p> <p>2 BY MR. MUNGO:</p> <p>3 Q. Do you believe that they are diverse</p> <p>4 and reflect a pool of applicants?</p> <p>5 A. Most of the time.</p> <p>6 Q. What percentage of the time would you</p> <p>7 say that that would be the case?</p> <p>8 MR. HARRIS: Object</p> <p>9 to the form of the question.</p> <p>10 A. I don't know.</p> <p>11 BY MR. MUNGO:</p> <p>12 Q. You don't know whether it was, like,</p> <p>13 50 percent of the time or less than 50 percent of</p> <p>14 the time?</p> <p>15 A. The answer's still "I don't know."</p> <p>16 Q. Even a guesstimate of it could be</p> <p>17 more than 50 percent of the time, most of the</p> <p>18 time they have sufficient diversity?</p> <p>19 MR. HARRIS: Object</p> <p>20 to the form of the question.</p> <p>21 A. I don't know.</p> <p>22 BY MR. MUNGO:</p> <p>23 Q. Okay. So you don't know how diverse</p> <p>24 the Promotion Boards are, would that be fair to</p> <p>25 say?</p>

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1 A. No, I do not know.
 2 Q. Okay. Have you ever inquired into
 3 the same with regard to the Texas Highway Patrol,
 4 the Division over which you were a Chief?
 5 A. Have I inquired about what?
 6 Q. The diversity of the Promotion
 7 Boards.
 8 MR. HARRIS: Object
 9 to the form of the question.
 10 A. No, I don't believe so.
 11 BY MR. MUNGO:
 12 Q. Did the OIG ever interview you with
 13 regard to any of the Complaints that were made by
 14 Mr. Sams?
 15 A. No.
 16 MR. MUNGO: Okay. I
 17 think that's all I've got. Give me
 18 just two minutes; just two minutes.
 19 THE COURT REPORTER: We're
 20 going off the record at 6:24 p.m.
 21 (Recess held from 6:24 p.m. to 6:27 p.m.)
 22 THE COURT REPORTER: We're
 23 going back on the record at 6:27
 24 p.m.
 25 MR. MUNGO: Okay. Mr.

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1 _____
 2 _____
 3 _____
 4 _____
 5 RONALD CLAYTON JOY, JR.
 6 STATE OF _____)
 7 COUNTY OF _____)
 8 _____
 9 Subscribed and sworn to before me by the
 10 said witness, RONALD CLAYTON JOY, JR., on this
 11 the _____ day of _____, 2023,
 12 subject to the aforementioned corrections/
 13 changes, if any.
 14 _____
 15 _____
 16 _____
 17 _____
 18 _____
 19 Notary Public in and for
 20 the State of _____
 21 My Commission Expires: _____
 22 _____
 23 _____
 24 _____
 25 _____

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1 CHANGES AND SIGNATURE
 2 RONALD CLAYTON JOY, JR. DECEMBER 6, 2022
 3 PAGE LINE CHANGE REASON
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1 REPORTER'S CERTIFICATE
 2 I, TOMMI RUTLEDGE GRAY, TEXAS CSR NO.
 3 1693, Certified Shorthand Reporter, Registered
 4 Professional Reporter, and Certified Realtime
 5 Reporter, certify:
 6 That the foregoing proceedings were taken
 7 remotely before me via Zoom videoconferencing, at
 8 which time the witness was remotely put under
 9 oath by me;
 10 That the testimony of the witness, the
 11 questions propounded, and all objections and
 12 statements made at the time of the examination
 13 were recorded remotely stenographically by me and
 14 were thereafter transcribed;
 15 That the foregoing 191 pages are a true
 16 and correct transcript of my shorthand notes so
 17 taken.
 18 I further certify that I am not a relative
 19 or employee of any attorney of the parties, nor
 20 financially interested in the action.
 21 I further certify that before the
 22 completion of the deposition, the Deponent, FACT
 23 WITNESS RONALD CLAYTON JOY, JR., and/or Counsel
 24 for the DEFENDANTS, TEXAS DEPARTMENT OF PUBLIC
 25 SAFETY, AND DIRECTOR STEVEN C. MCCRAW, IN HIS